

**REMARKS**

Claims 1-14 are pending in the application. As a preliminary matter, Applicant thanks the Examiner for the courtesies extended during the interview of December 20, 2006, wherein the below-noted issues were discussed.

**35 U.S.C. § 112:**

Claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph. The Examiner asserts that it is unclear whether claims 1 and 8 are directed to 1) a structure for holding a recording tape cartridge, 2) a recording tape cartridge itself or 3) some combination thereof. The Examiner interprets claims 1 and 8 as being drawn to the “structure” itself and, therefore, does not give weight to various other features recited in the claims.

As discussed during the interview, Applicant amends claims 1 and 8 to further clarify that the claims are directed to the *combination* of the structure for holding the recording tape cartridges *and* the recording tape cartridges themselves. Claims 6, 7, 13 and 14 are amended to clarify that the grasping device is not positively claimed, but is used to give context to features of the recording tape cartridges.

In section 1.1 of the Office Action, the Examiner questions what particular elements the claims are drawn to. Applicant submits that claims 1 and 8 further clarify that the invention is drawn to an apparatus and method regarding a structure which holds first and second differently structured tape cartridges and the first and second differently structured tape cartridges themselves. The formality raised in section 1.2 of the Office Action is addressed by the present Amendment.

In section 1.3, the Examiner questions whether the recited “case” is an element of the first or second cartridge or the chamber. Claim 1 recites “the first recording tape cartridge being structurally different than the second recording tape cartridge and comprises a case...” Accordingly, claim 1 is clear in regard to the first recording tape cartridge being the element which includes the case. However, to even further clarify the claimed features, claim 1 is amended to recite that both the first and second recording tape cartridges comprise a case.

In Sections 1.4 and 1.5 of the Office Action, the Examiner questions how the structure of the tapes further limits claim 1 and how the grasping device further limits claim 1. As noted above, claim 1 is drawn to a *combination* of the structure for holding and the recording cartridges themselves. The grasping device is not positively claimed, but provides the reader with a further understanding of the tape cartridges' features. The Examiner should now appreciate that the recording tape cartridges are properly further defined by dependent claims 2-5, 6 and 7.

Lastly, the Examiner questions how claims 1 and 8 differ from the "prior art (112)." As noted in the present specification, the prior libraries are configured to hold one particular size cartridge. Claims 1 and 8 require *two structurally different cartridges* which are separately accommodated in the same accommodation chamber. An aspect of claims 1 and 8 is that the two structurally different cartridges are provided to both have the same height from the floor surface of the accommodation chamber to their grasped portions, and both have the same interval between corner portions of the grasped portions, while still having a structural difference. This unique combination of differently structured cassettes, along with the uniquely corresponding dimensions, is definite and provides a combination of elements which is not disclosed by the prior art.

Accordingly, it is respectfully submitted that claims 1-14 are definite, such that the rejection thereof under 35 U.S.C. § 112, second paragraph, should be withdrawn.

**35 U.S.C. § 102:**

Claims 1-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Smith (U.S. Patent No. 6,141,180).

Smith is applied for having a chamber 100, a case 106 and grasped portion 116.

An exemplary aspect of the invention, defined by claims 1 and 8, is the claimed chamber which accommodates the claimed differently structured cassettes. This aspect is accomplished, in part, by the claimed dimensional features of the first recording tape cartridge and the second recording tape cartridge, in combination with the recited accommodation chamber.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>1</sup> That single prior art reference must show the identical invention in as complete detail as is contained in the claim.<sup>2</sup> Further, that single prior art reference must show the elements in the arrangement as required by the claim, even though identity of terminology is not required.<sup>3</sup>

As discussed during the interview, Smith does not disclose two different recording tape cartridges that are structurally different. Instead, Smith discloses a single cartridge 108 shown in Fig. 1. For at least this reason, Smith does not disclose each feature recited in claims 1 and 8.

Further, the first recording tape cartridge and the second recording tape cartridge of claim 1 are provided such that:

a height from a floor surface of the accommodating chamber to the grasped portions at a time when the first recording tape cartridge is accommodated in the accommodating chamber is the same as a height from the floor surface of the accommodating chamber to grasped portions of the second recording tape cartridge when the second recording tape cartridge is separately accommodated in the same accommodating chamber, and an interval between corner portions of the grasped portions of the first recording tape cartridge at a removal side of the library is the same as an interval between corner portions of the grasped portions of the second recording tape cartridge at the removal side of the library, and corner portions of the grasped portions of the first recording tape cartridge at an accommodating side of the library are chamfered.

Claim 8 includes similar features. Not only does Smith fail to disclose the two structurally different cartridges, but also does not disclose the further defined aspects of the cartridges in combination with the particular structure that holds the cartridges, as recited in claims 1 and 8.

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

<sup>3</sup> *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Accordingly, it is respectfully submitted that Smith does not disclose each feature recited in claims 1 and 8, such that the rejection thereof under 35 U.S.C. § 102 should be withdrawn. The rejection of dependent claims 2-7 and 9-14 should likewise be withdrawn at least by virtue of their respective dependencies upon claims 1 and 8.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

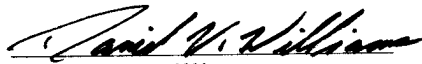
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